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for the

Southern District of Texas

United States Court  
Southern District of Texas  
FILED

JUN 19 2017

United States of America

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David J. Bradley, Clerk of Court

v.

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Stephen P. LYNCH

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Case No.

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)

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)

H17-1022

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 1, 2015 in the county of Harris in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

## Offense Description

18 U.S.C. 2251(a) and (e)

Any person who employs, uses, persuades, induces, entices, or coerces or attempts to do so, any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct.

This criminal complaint is based on these facts:

See Attached Affidavit

 Continued on the attached sheet.

ws 2-3

Complainant's signature

William R. Hurst

Printed name and title

Sworn to before me and signed in my presence.

Date: 6-19-17City and state: Houston, TexasJ  
Nancy K. Johnson, U.S. MagistrateJudge's signature  
Printed name and title

AFFADAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, William R. Hurst, being truly sworn and deposed state,

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI), assigned to the Office of the Special Agent in Charge, Houston, Texas. I have been employed by Immigration & Customs Enforcement (ICE), Homeland Security Investigations (HSI), as an HSI agent for approximately ten years. I am currently assigned to the Cyber Investigations Group and as part of my daily duties as an HSI agent assigned to this group, I investigate criminal violations relating to child exploitation and child pornography including violations of Chapter 109A, Chapter 110 and Chapter 117, all contained within Title 18 of the United States Code. I have received training in the area of child pornography and child exploitation. I have also participated in the execution of search warrants and arrest warrants; a number of which involved child exploitation and child pornography offenses.

2. This affidavit is based on reports your affiant has read and conversations your affiant has had with law enforcement officers and investigators involved in this investigation. This affidavit does not set forth all of my knowledge in this matter, but is intended only to show that there is probable cause to believe that Stephen LYNCH is in violation of Title 18, United States Code, Sections 2251(a) and (e), which makes it a crime for any person who employs, uses, persuades, induces, entices, or coerces, or attempts to do so, any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct.

3. On June 13, 2017, Special Agent (SA) William R. Hurst received information via the Homeland Security Investigations (HSI) Cyber Crimes Center (C3) regarding a referral from the National Center for Missing and Exploited Children (NCMEC). The referral advised that an unidentified female minor victim of a child pornography related offense was possibly located in the area of Houston, Texas.

4. Analysts in the Child Victim Identification Program (CVIP) of NCMEC received

a series of child exploitation still images (photographs) depicting an unknown female minor victim. Approximately 173 images were included in the referral sent to HSI Houston. At least half of the images constitute child pornography under federal law. Some of the images depict the minor victim fully nude with the child's genitalia lasciviously displayed. Three of the images are described below:

- a. In one image the prepubescent female is displayed on her hands and knees facing away from the camera. The victim is wearing a red top with white stars but is naked from the waist down. The victim's vagina and buttocks are visible in the image. The victim appears to be kneeling on a dark blue blanket or comforter.
- b. In another image, the prepubescent female is completely naked on hands and knees facing away from the camera. The victim's vagina and buttocks are visible in the image. The victim is on her hands and knees on the same dark blue blanket or comforter. Wood paneling is visible in the background of the image.
- c. In a third image, the prepubescent female is laying on her back. Her legs are spread and the victim's vagina is visible. She is wearing a black top with the glitter heart on it. The image appears to be taken on a tile bathroom floor with a blue rug underneath the victim.

5. On June 14, 2017, HSI Houston Special Agents identified the victim at a residence in Kingwood, Texas. The homeowner and relative of the minor victim, Stephen LYNCH, was interviewed by HSI Special Agent W. Russell Hurst and Harris County Sheriff's Office Investigator Jeremy Thomas. During the interview, LYNCH stated that he was a computer science major in college who currently works in the technology field. LYNCH identified two non-pornographic images (provided to SA Hurst by HSI C3) of a 5-year-old minor relative. Both images depict the face of the prepubescent female. LYNCH further stated that he personally took one of those images of the minor relative, several years ago when she was three-years-old. LYNCH identified himself as the photographer of several non-pornographic images of the minor relative, including one that displays the minor relative wearing a black long-sleeve shirt with a pink glitter heart on the front. Several child pornographic images of the minor relative also include what appears to be that same shirt; one such which is described above in

paragraph 4(c).

6. LYNCH also identified several images of the minor relative in poses and clothes that are identical to the child pornography images. In one series of images, the minor relative is wearing a red shirt with white stars and wrapped in a blue blanket. In the child pornography images provided by the C3, the minor female victim is wearing the same red shirt with white stars laying on the blue blanket and nude from the waist down where her vagina is visible and the focal point of the photograph. One such image is described above in paragraph 4(a).

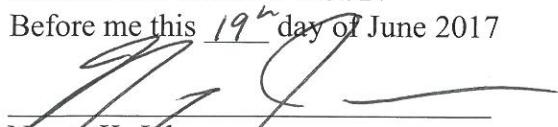
7. On June 16, 2017, the minor relative was interviewed by a forensic interviewer. At that time, the five-year-old minor relative disclosed that LYNCH had taken photographs of her and afterwards would reward her with chocolate. In some of the photographs the minor relative acknowledged that she was pulling down her pants or her underwear for some of the photographs that LYNCH took. The minor relative indicated that she participated because she wanted the chocolate.

8. Due to all the information set forth above, your affiant believes there is probable cause to believe on or about January 1, 2015, LYNCH was in violation of Title 18 USC 2251(a) and (e), any person who employs, uses, persuades, induces, entices, or coerces, or attempts to do so, any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct.

W.R.  
William R. Hurst  
Special Agent  
Homeland Security Investigations

SUBSCRIBED and SWORN

Before me this 19<sup>th</sup> day of June 2017

  
Nancy K. Johnson  
United States Magistrate Judge  
Southern District of Texas